

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220



Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2005/015499

International filing date (day/month/year)
19.08.2005

Priority date (day/month/year)
24.08.2004

International Patent Classification (IPC) or both national classification and IPC
H04B3/54

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/JP2005/015499

10/573774

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following document:

D1 : US 2004/070912 A1 (KOPP LOWELL ELLIS) 15 April 2004 (2004-04-15)

D2: US 2003/016123 A1 (TAGER WOLFGANG ET AL) 23 January 2003 (2003-01-23)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,9,10 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A communication apparatus performing periodical communications (D1 paragraph 5) with another communication apparatus via a transmission line, comprising:

a communication control portion (D1 paragraph 25) operable to set a communication period to (Lxm/n) (L is a variation cycle of characteristics of a transmission line, n is an integer that is 2 or larger, and m is an integer that is n or larger and whose greatest common measure with n is 1) to perform communications,

a transmission line estimation portion (D1 paragraph 37) operable to estimate the characteristics of the transmission line within a time (L/n)

a communication parameter determination portion (D1 paragraph 39) operable to determine a communication parameter to be used by the communication control portion, based on a result of estimation by the transmission line estimation portion.

The subject-matter of claim 1 therefore differs from this known D1 in the feature: "after a certain offset time has passed since the communication period started".

This implies that, in the present application, the estimation method is performed while the communications is occurring. In document D1 the estimation is performed off-line (see paragraph 37). This feature is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without

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the exercise of inventive skill, in order to solve the problem of improving the transmission throughput .

Therefore claim 1 is not inventive.

The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 9,10 which therefore are also considered not inventive.

The features defined in the dependent Claims 2-8 are either features well known in the art cf. documents D1, D2 or design measures which one would regard as expected from the skilled person: the resulting claims are not inventive (Art. 33 (1) and 33 (3) PCT)